

PATENT

S/N 09/614,631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	HILGREN ET AL.	Examiner:	J. PAK
Serial No.:	09/614,631	Group Art Unit:	1616
Filed:	JULY 12, 2000	Docket No.:	163.1382US01
Confirmation No.:	2124	Customer No.:	23552
Title:	METHOD AND COMPOSITION FOR INHIBITION OF MICROBIAL GROWTH IN AQUEOUS FOOD TRANSPORT AND PROCESS STREAMS		

CERTIFICATE UNDER 37 CFR 1.601:

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on February 3, 2005.

By:

Name: Sheryl A. Boerboom

RESPONSE TO REQUIREMENT FOR INFORMATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Requirement for Information dated November 3, 2004,
Applicants respectfully submit the following information and provide the following remarks.

- 1) The Requirement for Information requested that Applicants provide the original source article abstracted in Chemical Abstracts 125:56587. The document abstracted is an entry in the Federal Register 61(108):28051-28053 (4 June 1996). Please find this entry from the Federal Register accompanying this Response as Exhibit A.
- 2) The Requirement for Information requested that Applicants provide the names of any products including the composition disclosed in this Federal Register entry. The product is call "Vortexx".
- 3) The Requirement for Information requested that Applicants provide additional information about the composition disclosed in the Federal Register entry. Accompanying this Response as Exhibit B, please find copies of: a label, a document

Merchant & Gould

An Intellectual Property Law Firm

3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215 USA
TEL 612.332.5300
FAX 612.332.9081
www.merchant-gould.com
A Professional Corporation

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TO: Commissioner for Patents
Attn: Examiner John D. Pak
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Mark T. Skoog

FEB 03 2005

OUR REF: 163.1382US01
TELEPHONE: 612.371.5240

Total pages, including cover letter: 21

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If you do NOT receive all of the pages, please telephone us at 612.371.5204, or fax us at 612.332.9081.

Title of Document Transmitted:

RESPONSE TO REQUIREMENT FOR
INFORMATION WITH ATTACHED EXHIBITS A
AND B AND PETITION FOR EXTENSION OF
TIME

Applicant: HILGREN ET AL.
Serial No.: 09/614,631
Filed: JULY 12, 2000
Group Art Unit: 1653
Our Ref. No.: 163.1382US01
Confirmation No. 2124

PLEASE CHARGE OUR DEPOSIT ACCOUNT NO. 13-2725 IN THE AMOUNT OF \$120.00 FOR A ONE-MONTH EXTENSION OF TIME FEE. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Mark T. Skoog
Name: Mark T. Skoog
Reg. No.: 40,178

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Sheryl A. Boerboom

Sheryl A. Boerboom
Signature

February 3, 2005
Date

Appl. No. 09/614,631
Amendment dated February 3, 2005
Reply to Office Action of November 3, 2004

entitled "VORTEXX" and stamped "Accepted" and "EPA Reg. No." 1677-158, an EPA Confidential Statement of Formula for Product Name KX-6049 (Before Reaction), an EPA Confidential Statement of Formula for Product Name KX-6049 (After Reaction), and a Material Safety Data Sheet for VORTEXX.

Applicants note that the label provided in Exhibit B is marked with U.S. Patent Nos. 5,200,189, 5,314,687, 5,718,910 and patents pending. Each of these three patents was cited on a Form 1449 submitted to the Patent and Trademark Office on November 27, 2000.

Additional U.S. Patents assigned to Ecolab and relating to peroxycarboxylic acids include U.S. Patent Nos. 5,409,713, 5,437,868, 5,489,434, and 6,010,729, which were cited on a Form 1449 submitted to the Patent and Trademark Office on November 27, 2000 and U.S. Patent No. 6,514,556, which was cited on a Form 1449 submitted to the Patent and Trademark Office on May 6, 2004.

Applicants respectfully submit that the present claims are patentable over this disclosure from the Federal Register, the patents listed above, and the other information provided pursuant to this Requirement. First, the Federal Register discloses compositions including different absolute and relative amounts of ingredients than found in the pending claims. The table below summarizes these amounts (FR refers to Federal Register at page 28053, the amounts are in ppm). Second, the Federal Register discloses compositions including sodium 1-octanesulfonate, a coupler required in those compositions but not in the presently claimed compositions. The coupler solubilizes the octanoic acid and peroxyoctanoic acid present in the Federal Register compositions, but is not required for that purpose in the present compositions.